

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**


In re:) Case No. 15-48556-705
JESSICA WHITE,) Judge Charles E. Rendlen III
Debtor.) Chapter 7
)
)

AFFIDAVIT OF DIANE FERRANTI AND TRANSCRIPT

I, Diane Ferranti, being duly sworn upon oath, state the following:


1. I am over the age of eighteen and in all ways competent to make this Affidavit.
2. I accurately transcribed the tape from the Meeting of Creditors of Debtor Jessica White, Case No. 15-48556-705, and a copy of the transcript is attached hereto and incorporated herein as Exhibit "A".

Further, affiant sayeth not.


Diane Ferranti

STATE OF MISSOURI)
COUNTY OF ST. LOUIS) SS

Subscribed and sworn to before me this 4th day of January 2016.


Notary Public
My commission expires:



KAREN M. TRINKLE
My Commission Expires
October 10, 2017
St. Louis County
Commission #13877742

STONE, LEYTON & GERSHMAN
A Professional Corporation

By: /s/ E. Rebecca Case
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Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via first class,
United States mail, postage prepaid and/or electronic notice on January 4, 2016 to:

1. Jessica White Debtor
2173 Orbit Drive
St. Louis, MO 63136
2. Dean D. Meriwether Attorney for Debtor
Law Office of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108
3. Robert J. Dellamano Second Attorney for Debtor
Law Office of Robert J. Dellamano
100 S. 4th Street, Suite 550
St. Louis, MO 63102
4. Paul Randolph
Office of the United States Trustee
Thomas F. Eagleton Courthouse
111 South Tenth Street, Suite 6353
St. Louis, Missouri 63102

/s/ E. Rebecca Case
E. Rebecca Case

Jessica White – Meeting of Creditors 12-18, 2015

Case No. 15-48556-705

Transcribed by Diane Ferranti

Trustee: E. Rebecca Case (T)

Debtor: Jessica White

Attorney for Debtor: Robert James Dellamano

T: Okay. Raise your right hand for me please, Ms. White, do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. White: Yes.

T: Thank you, please be seated. Please state your name.

Ms. White: Jessica White

Mr. Dellamano: Bob Dellamano for the Debtor. Just hang onto it in case –

T: Ms. White, have you ever filed bankruptcy before?

Ms. White: Yes.

T: Here is your Social Security card. I'm returning it to you and your Missouri driver's license that matches the information on the Petition.

Ms. White: Thank you.

T: Your attorney has your Petition there, please take a look. Is that your signature on the –

Ms. White: Yes.

T: - Petition? In addition to signing the Petition, did you sign the Schedules, the Statements and all the related documents?

Ms. White: Yes.

T: Before you signed your name to the documents, did you read them?

Ms. White: Yes.

T: So you are personally familiar with all the information in all of your bankruptcy Schedules, Statements and related documents?

Ms. White: Yes.

T: Is the information in those documents true and correct?



Ms. White: Yes.

T: Are there any errors or omissions to bring to my attention at this time?

Ms. White: No.

T: Did you list all of our assets?

Ms. White: Yes.

T: Did you list all of your creditors?

Ms. White: Yes.

T: You filed bankruptcy before in 2007?

Ms. White: Yes.

T: And you received a discharge?

Ms. White: Yes.

T: Was it a Chapter 7 case like this one?

Ms. White: Yes.

T: What is the address of your employer?

Ms. White: 4240 Duncan Avenue, St. Louis, Missouri 63108.

T: Your 2014 income tax return, did you file it with the Internal Revenue Service?

Ms. White: I did, yes.

T: And you – and do you have that tax return with you?

Ms. White: It's in there –

T: I don't have her tax returns. I don't have her payment advices and I don't have her bank statements, but she's here so let's – let's try to do it if we can.

Mr. Dellamano: Okay.

T: Ms. White, do you happen to have copies of your income tax returns?

Ms. White: Not my income tax returns - I don't.

T: Okay.

Ms. White: I didn't bring it. Someone told me to, but –

Mr. Dellamano: See what she filed a long time ago.

T: This is not a conversion case. So she filed on November the 12th of this year –

Mr. Dellamano: Yeah, I don't have the –

T: - so we're looking for the 2014 income tax return.

Mr. Dellamano: - and I don't have the pay advices that go back to that –

T: Okay.

Mr. Dellamano: - time frame.

T: So we're looking for her payment advices, her 2014 income tax return –

Mr. Dellamano: Oh, here we go.

Ms. White: Here you go.

T: What do you have?

Mr. Dellamano: I have income tax return.

T: Okay. Pass that to me.

Mr. Dellamano: Let's see if I have – that looks like it might be state only.

T: Ms. White, you have one, two, three, four dependents. Is that right?

Ms. White: Yes.

T: You have all boys?

Ms. White: Yes.

T: You're a busy lady. All right. Okay. Okay. Your earned income credit was 4,122 and your additional tax credit 366.12 of your tax refund of 8,563 and I have your federal return here and I have your state, and I am going to return that to your attorney for his file.

Ms. White: Okay.

T: Payment advices, did we find those?

Mr. Dellamano: Not through that date, nor the bank statements.

T: Okay. You guys can get the payment advices. You have – you have your paystubs with you by any chance?

Ms. White: I do.

T: Okay. I need the - the one – did you change jobs during the year or just have one job?

Ms. White: I have one job.

T: Okay. Pass – I need your paystub as of November the 12th.

Ms. White: Oh, that one I probably – let me see.

T: Give me the last one you've got.

Ms. White: Oh, let me see.

Mr. Dellamano: I have through 10-11, is the last one I have – 10-24.

Ms. White: I don't think I have any for November.

T: You guys give me the last one you have.

Ms. White: This is November –

T: Okay. Let's take a look.

Mr. Dellamano: You have a bank statement too –

Ms. White: I have November bank statement too.

T: Okay.

Ms. White: That's November.

T: I'm going to return that to you too, and let's see your bank statement while we're here.

Ms. White: That's November.

T: Your bank account is located at the Health Care Family Credit Union?

Ms. White: Yes.

T: And in here it looks like your account is overdrawn on the day you filed. Is that correct?

Ms. White: Yes.

T: Okay. I'm going to return your bank statement to you.

Ms. White: Thank you.

T: All right. Do you owe any alimony, child support or maintenance to anyone?

Ms. White: No.

T: You've read the U.S. Trustee's Information Sheet?

Ms. White: Yes.

T: Is this your signature on the blue form?

Ms. White: Yes.

T: Have you owned any real estate in the last four years?

Ms. White: No.

T: Let's go to your Schedule B, Personal Property; let's see what's happening here. It's not pulling for some reason. Here we are. On the day you filed, you said your bank account was at Health Care Family Credit Union –

Ms. White: Yes.

T: - and had a balance of zero. Is that correct?

Ms. White: Yes.

T: Cash, \$3. Is that accurate?

Ms. White: Yes.

T: Look at your answers to questions 3 through 11, are those accurate values for your property as of the day of the filing of this case?

Ms. White: Yes.

T: Do you have any sort of a 401(k), IRA or anything like that through your place of employment or -

Ms. White: No.

T: - on your own?

Ms. White: No.

T: Okay. Your 2006 Dodge Durango, do you owe any money on that car?

Ms. White: No, I surrendered it.

T: You surrendered it. Do you own any other property that I haven't asked you about here today?

Ms. White: No.

T: Now, it's marked on here that you owe taxes, but then it says none. Do you owe any taxes to the IRS?

Ms. White: They took 'em last year.

T: They intercepted your tax refund last year?

Ms. White: Oh, was it last year? I can't remember. One year I did and they took it back.

T: And they paid the debt back to the IRS?

Ms. White: They took it from my taxes –

T: Refund.

Ms. White: - and gave me the difference.

T: Okay. So do you owe any taxes now?

Ms. White: No.

T: Okay. And you have the four dependents. Is that correct?

Ms. White: Yes.

T: Are you a party to any lease?

Ms. White: No.

T: Did anyone cosign on any of your debts?

Ms. White: No.

T: Excuse me. During the 90 days before filing, did you pay anyone \$600 or more?

Ms. White: Before filing, no.

T: You listed Drive Time Car Sales, is that your car?

Ms. White: I did pay them 600 or more, yes. I did pay them a payment.

T: Okay. Excuse me. During the 90 days before filing, any losses due to fire, theft, casualty or gambling?

Ms. White: No.

T: Does anyone owe you any money?

Ms. White: No.

T: Do you have any claims against anyone?

Ms. White: No.

T: Just a second. Are you holding any property for another person?

Ms. White: No.

T: Is anyone holding any property for you?

Ms. White: No.

T: Does anyone owe you any money?

Ms. White: No.

T: Okay. Now, Ms. White, when did you first go to Critique Services?

Ms. White: In September.

T: Okay.

Ms. White: I think it was September.

T: Who did you meet with when you went there?

Ms. White: Originally when I met?

T: Um-hmm, the first time when you went in.

Ms. White: I don't – um, I don't know the lady name.

T: Okay.

Ms. White: Customer service.

T: Pardon me?

Ms. White: Customer service. I don't know it.

T: You just went in and it was a woman, right? Okay. And did she give you a packet of information to fill out?

Ms. White: Um-hmm – yes.

T: Yes? Okay. Did you fill it out while you were there?

Ms. White: Yes.

T: And you turned it in?

Ms. White: Um-hmm – yes.

T: And did you pay at that time?

Ms. White: No, I had to – no, I didn't pay at that time. She gave me information I need to bring in.

T: Okay.

Ms. White: And then when I brought the information in then I could – I paid the –

T: Okay. Did you pay cash?

Ms. White: I did.

T: Okay. Did you -

Ms. White: I have my receipts.

T: Okay. Did you get a receipt?

Ms. White: Um-hmm, I did.

T: Yes. Okay. And so that would have been your second trip to Critique. Is that correct?

Ms. White: I went twice –

T: You went twice.

Ms. White: - cause the first time you had to bring all your information in. Before you can file you have to have all your information and then you go, yes.

T: Okay.

Ms. White: You pay two different ways.

T: Who did you meet the second time?

Ms. White: Customer service and the attorney. I don't know –

T: Okay. You met with an attorney.

Ms. White: Um-hmm.

T: Was it Mr. Dellamano that's with you here today?

Ms. White: nuh-uh – no.

T: No?

Ms. White: No.

T: Who'd you meet with?

Ms. White: Oh, it's Dean – Dean -

T: Dean Meriwether?

Ms. White: Yes.

T: Okay. And that was back in September?

Ms. White: October.

T: October.

Ms. White: I went in September and then I – I went back in October.

T: Okay. And you saw him then of the – yes?

Ms. White: Yes.

T: Okay. And how long were you – were you with Dean?

Ms. White: I don't know. I don't know. I don't know.

T: Five minutes, ten minutes, half an hour?

Ms. White: He went through my papers and told me what I needed to bring back in, so probably about – maybe five or ten minutes. I needed a few more information regarding the car I had reposed.

T: Okay. And when did you take the information back in about the car repo?

Ms. White: Probably the next – within the next week.

T: Next week. So was that in October, you think?

Ms. White: Um-hmm.

T: Is that yes?

Ms. White: Yes. I'm sorry. Yes.

T: That's okay. And what were you told – what happened next?

Ms. White: They went to file it.

T: They said they'd file your case?

Ms. White: Yes.

T: Okay. Was it filed in October?

Ms. White: It was filed – um, I don't know the exact date. It was filed in October I believe though.

T: No, it wasn't filed until November the 12th. Do you know why the delay? Did they give you an explanation?

Ms. White: No, I thought it was filed in Oct – no -

T: Did they tell you it was filed in October?

Ms. White: I don't remember. I thought it was filed in October. Maybe it was November. I thought it was in October.

T: Okay. But it wasn't filed until November. Okay. Did – did you have to call down there and ask -

Ms. White: Was it November?

T: - about had it been filed or not?

Ms. White: I did call and ask 'em when they – ah, when they handled the process, because I wasn't familiar with the process, I did.

T: Okay. And what did they tell you?

Ms. White: That he was going to file it.

T: That he was going to file.

Ms. White: Because he files his actually down at the courthouse. He does his down there and once file – he has – he has a case with him and once he files he'll get you your --

T: Your case number?

Ms. White: - your case number in two weeks.

T: And so that you'd get it in about two weeks?

Ms. White: It would come in the mail, which I got - after he filed I got this –

T: The Notice.

Ms. White: Um-hmm, with my date.

T: Okay. Any garnishments or anything happen during the time period?

Ms. White: I did have a garnishment.

T: Did you while we were waiting for the case to be filed?

Ms. White: No, it was before.

T: It was before.

Ms. White: Um-hmm.

T: Did you get the garnishment stopped?

Ms. White: I did.

T: Okay. Anything else you want to tell me?

Ms. White: No.

T: No. Okay. And Mr. Dellamano, are you appearing here today as the employee of Mr. Meriwether?

Mr. Dellamano: No, I'm on my own now.

T: Okay.

Mr. Dellamano: He's been suspended. I'm no longer contracted with him.

T: And so you're appearing here today – are you sitting in for him? I mean this is his case. You're entering your appearance today for this Debtor?

Mr. Dellamano: Yes.

T: And you're going to file a Notice of Appearance with the Court?

Mr. Dellamano: I already have for this particular day.

T: And that's what this is that you've given me -

Mr. Dellamano: Yes, and the disclosure statement.

T: - that you've entered your Notice of Appearance?

Mr. Dellamano: That's correct.

T: Ms. White, it indicates you've received a partial refund from Mr. Meriwether, how much did you receive?

Ms. White: I didn't get any refund. I requested for a refund back.

T: This says attorney Meriwether has issued me a partial refund and I have retained the services of attorney Dellamano.

Mr. Dellamano: You signed that piece of paper.

Ms. White: When was – I didn't get any refund back. I didn't get any refund back. I have all my receipts.

Mr. Dellamano: Did you read that document?

Ms. White: No, let me – can I see it, please.

T: Um-hmm, I'll let you see it.

Ms. White: I got a refund back?

Mr. Dellamano: They should have given you either all or partial of your money back and –

Ms. White: They didn't give me any money back.

Mr. Dellamano: - informed you –

Ms. White: They informed me that I have a new attorney that's going to be representing me, but it didn't say I was getting a refund. No one gave me no refund.

Mr. Dellamano: Did you read that document before you signed it? No?

Ms. White: I didn't read that part where I was getting a refund – refund back.

T: When did you get that document?

Ms. White: I just got it. They called me Monday and told me that he was suspended and that's when I Goggled it online and realized he was suspended.

T: Um-hmm.

Ms. White: But I didn't get –

T: Where did you get –

Ms. White: - I did not get –

T: - this form?

Ms. White: When I went down to the office.

T: You went to the Critique office and they gave you this form to sign?

Ms. White: I did it – I did it Tuesday.

T: Tuesday. Who gave you the form?

Ms. White: The lady at the front desk. I'm not sure of her name.

T: Can you describe her?

Ms. White: Um-hmm, a lady, she was my complexion. A little low hair cut.

T: A blonde? No?

Ms. White: She had a color in hair - I'm not sure, but she had on glasses.

T: Okay.

Ms. White: It was Tuesday the night they meet with attorneys.

T: Okay. So this statement is false here that says –

Ms. White: I didn't get any refund.

T: - attorney Meriwether issued –

Ms. White: And that's my fault for not reading that.

T: - me a partial refund and I've retained the services of attorney Dellamano?

Ms. White: That's my fault for reading, because I was just getting off of work and I was trying to hurry up and get to my kids from daycare and I did not read it, that's my fault.

T: Did you meet Mr. Dellamano on that day, on Tuesday?

Ms. White: Not on Tuesday, but I've seen him in the office before, but I never acknowledged him, no.

T: Okay.

Mr. Dellamano: We have spoken.

Ms. White: Right.

T: Did he review any of your documents or anything with you?

Ms. White: On that, no. When I actually met - spoken to him, he was just explaining everything I needed, make sure I understand when did I - was filing bankruptcy that was it. That's the only thing he actually ever said.

T: Okay. About how long was your meeting with Mr. Dellamano?

Ms. White: I don't - I don't remember.

T: Okay.

Ms. White: I just remember him going over - make sure that I understand that I was filing bankruptcy, make sure that's what I wanted to do, something like that -

Mr. Dellamano: Um-hmm, um-hmm.

Ms. White: - he stated, but I don't remember how long.

T: About five minutes? Ten minutes?

Ms. White: Probably could have been 10 to 20 minutes. He was just explaining it.

T: Okay.

Ms. White: Cause I had to sign - I think I signed something that he was explaining that I was doing it.

T: Mr. Dellamano, is that your signature on here also?

Mr. Dellamano: Um-hmm.

T: Is that yes?

Mr. Dellamano: Yes.

T: Okay. And has this been filed with the Court?

Mr. Dellamano: Yes.

T: Okay. So this is false.

Mr. Dellamano: No, I - I don't issue the refunds personally.

Ms. White: He didn't - he didn't - he was - when I - when I got that piece of paper he was not there. It was the lady in the front receptionist's office who told me and she explained to me - just explaining to me about - that was my fault I did not read that.

Mr. Dellamano: Um-hmm.

T: Okay.

Ms. White: She was even explaining to me – I thought I was just signing that he was going to be my new attorney representing me on today.

Mr. Dellamano: Um-hmm and her signature would indicate that she read and understood that document.

Ms. White: Right.

T: Mr. Dellamano, let's not attack our client. Okay. Now then –

Ms. White: I am going when I leave here and go get my refund.

T: It says you got a refund. Are you taking that refund and paying Mr. Dellamano?

Ms. White: Is that what I was supposed to - no one told me anything –

T: I don't -

Ms. White: - cause I paid –

T: - I don't know what's going on. I'm asking you, because it says you're employing him, so are you going to be employing Mr. Dellamano?

Ms. White: Is that what – no one told me anything. Is that what that –

Mr. Dellamano: There shouldn't be any additional payment that you have to make.

Ms. White: Okay.

T: I don't know at this means. It says attorney Meriwether has issued me a partial refund and I've retained the services of attorney Dellamano.

Ms. White: I thought the money would go over to them – to you anyway.

Mr. Dellamano: There shouldn't be – there shouldn't be any additional monies that you have –

T: Okay.

Mr. Dellamano: - to pay.

Ms. White: Okay.

T: The 2016 that was filed, do you have it, your 2016 when you entered your appearance?

Mr. Dellamano: I have it here.

T: May I see it, please.

Mr. Dellamano: Oh, I think – I thought it was over with all of the documents there.

T: Maybe it is. So this says that you've agreed to accept \$100 and that you've received \$100.

Mr. Dellamano: If so I have not –

T: Let's just – let's just start with the first one.

Mr. Dellamano: Um-hmm.

T: For legal services I have agreed to accept \$100.

Mr. Dellamano: Um-hmm.

T: Is that yes?

Mr. Dellamano: Yes.

T: Your second statement is part of the filing of this statement I have received \$100.

Mr. Dellamano: Um-hmm.

T: Is that yes?

Mr. Dellamano: Yes.

T: Have you received \$100?

Mr. Dellamano: That would be taken out from the refund that we would have been given her. I have not been handed \$100, because we have not completed our representation.

T: Let's go – let's go back to the beginning. Number one, pursuant to 11 U. S. C. Section 329(a) and Federal Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named Debtor and that compensation paid to me within one year before the filing of the Petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the Debtor in contemplation of or in connection with the bankruptcy case is as follows: Number one, for legal service, I have agreed to accept \$100.

Mr. Dellamano: Um-hmm.

T: That's a yes?

Mr. Dellamano: Yes, that is a yes. I have not -

T: Number two –

Mr. Dellamano: - completed my services.

T: - prior to the filing of this statement I have received, it says \$100, balance due zero.

Mr. Dellamano: Um-hmm.

T: Okay.

Mr. Dellamano: I have not been paid that \$100.

T: So the balance due should be \$100?

Mr. Dellamano: I guess it could be, but –

T: Okay.

Mr. Dellamano: - I have not received it yet, so I have not –

T: Number two, it says zero of the filing fee has been paid.

Mr. Dellamano: That would be incorrect.

T: Has the filing fee been paid by you?

Mr. Dellamano: Me personally, no.

T: Has it – who paid the filing fee?

Mr. Dellamano: I – I – well, if it hasn't been paid who's paid it?

T: This isn't my form, it's your form.

Mr. Dellamano: I understand then it has - if it says it has not been paid then it has not.

T: Number three, it says the Court – the source of the compensation paid to me was and you marked Debtor. Is that correct?

Mr. Dellamano: The compensation I'm receiving is from the Debtor.

T: Is from the Debtor, so the Debtor is going to be - has paid you \$100 is what this says.

Mr. Dellamano: I have not received that \$100, because I have not completed services for this Debtor.

T: Ms. White, it's your understanding that you owe Mr. Dellamano \$100 for being here today?

Ms. White: No.

T: Okay. Now then –

Ms. White: But –

T: - the source of the compensation to be paid to me is it says the Debtor. Number five, I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm. Mr. Dellamano, are you sharing money with someone other than a member of your law firm?

Mr. Dellamano: No.

T: Okay. And you signed this today, December the 18th?

Mr. Dellamano: I signed that document after I filed it and printed it.

T: And that you filed it today?

Mr. Dellamano: Yes.

T: All right. Okay. Ms. White, I need a telephone number from you. Okay. My boss may need to talk to you. What's your number?

Ms. White: It's 314-(redacted).

T: (telephone number redacted.) Thank you very much.

Ms. White: Is it – is it filed? Do I have to -

T: I will conclude your meeting. My boss may have some questions for you. Okay.

Ms. White: Okay.

T: The State of Missouri may have some questions for you. All right. Thank you very much.

Ms. White: Thank you.